In the High Court of Punjab and Haryana at Chandigarh

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Criminal W.P. No.641 of 2007

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Date of decision:10.9.2007

Buta Singh

…..Petitioner

v.

State of Punjab

…..Respondent

…..

Present: None for the petitioner (By post).

Mr. T.S. Salana, Deputy Advocate General, Punjab for the respondent-State.

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S.S. Saron, J.

The petitioner Buta Singh son of Nachhattar Singh, resident of Village Bhanger, Police Station Ghall Khurd, District Ferozepur sent a telegram to this Court alleging that he and his father, namely, Nachhattar Singh belong to Congress party. They were supporters of ex-MLA Ferozepur Cantt. in the last assembly elections held in February 2007. There was a party faction in their village and certain persons as mentioned were inimical towards them as they were close to local Akali Minister. They have been threatening the petitioner and his father to involve them in a criminal case. Nachhattar Singh, father of the petitioner was taken by the Police to Police Station Ghall Khurd from their house on 26.5.2007 at 5.00 p.m. and he was still in Police custody. The petitioner apprehends false implication of himself and his father in a criminal case.

Reply has been filed by Shri Paramjit Singh, PPS, Deputy Superintendent of Police (Sub Division), Ferozepur. It is denied that

Nachhattar Singh, father of the petitioner was taken from his house to Police Station on 26.5.2007 by the Police of Police Station Ghall Khurd as has been alleged by the petitioner. In fact, Harjinder Singh son of Gurbax Singh, resident of Bhanger had complained that he has a land dispute regarding 2.1/2 Killas of land situated at Village Bhanger with Nachhattar Singh and the petitioner Buta Singh. It was alleged by the complainant that he was the owner of the disputed land and that the petitioner and his father were in illegal possession. Whenever they were asked to vacate the land they assaulted the complainant. For inquiry of the said dispute, both the parties were present in Police Station Ghall Khurd on 29.5.2007 and ASI Sukhmander Singh was conducting the inquiry. During the course of inquiry, the petitioner-Buta Singh and his father Nachhattar Singh lost their temper and assaulted Harjinder Singh-complainant. Despite best efforts of the Inquiry Officer, they did not calm down. Apprehending breach of peace, arrests were made under Sections 107 and 151 Cr.P.C. and a Calendra (calendar of events) was prepared and presented in the Court of Sub Divisional Magistrate, Ferozepur on 30.5.2007. The persons were released on bail by the learned Sub Divisional Magistrate, Ferozepur. Proceedings under Sections 107 and 151 Cr.P.C. were pending in the said Court.

Keeping in view the aforesaid facts as stated in the affidavit of DSP (Sub Division), Ferozepur, nothing survives in the present petition and the same is accordingly dismissed.

September 10, 2007. **(S.S. Saron)**
Judge

hsp